

## REMARKS

Claims 1-16 are pending. Claims 1 and 9 have been amended to more distinctly claim the subject matter which the Applicant regards as their invention, and to correct a typographical error. Support for these amendments can be found at, for example, claims 1 and 9 and the Summary section of the application. No new matter was added. Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

### *Claim rejections – 35 USC 103*

Claims 1-16 are rejected under 35 USC 103(a) as being unpatentable over Rabne et al. U.S. Patent No. 6,006,332 (henceforth Rabne), in view of Chan et al. U.S. Patent No. 6,505,300, henceforth Chan further in view of Deng et al. U.S. Patent No. 6,701,432 (henceforth Deng). Applicants traverse.

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. (MPEP 2143.03.) Initially, Applicants do not concede that the proposed combination of references is proper. However, even if the proposed combination were proper, it would fail to teach or suggest each and every element of the rejected claims. For example, independent claim 1, as amended, recites in part:

a proxy system linked to said one or more content sources, said proxy system comprising an access control module configured to selectively obtain content comprising **data blocks** from said content sources **on an individual block basis as a function of an authorization of a user requesting said content and a set of access policies comprising a set of predefined usage policies associated with said content for said user...**[and] a client module configured to interface to a client operating system kernel, said client module configured to **enforce the set of usage rights within the operating system kernel** without application rewrites

The Office Action appears to admit that Rabne and Chan fail to make obvious obtaining content comprising data blocks from content sources on an individual block basis as a function of

an authorization of a user requesting said content and a set of access policies as required by independent claim 1. (See Office Action, page 4, item 10.) However, the Office Action (page 5) alleges that Deng discloses a “system [which] receives and screens each data block of content being transferred on an individual basis,” and so

[i]t would have been obvious to one of ordinary skill in the art at the time of the applicant’s invention by adding the ability to obtain content on an individual block by block process basis as provided by Deng.

Applicants disagree. What Deng discloses is a gateway for receiving and transferring data packets from one network to another. (See Deng, column 2 lines 39-59.) This gateway does include a firewall module capable of screening the packets by comparing information found in the packets to rules placed in one or more memories (See *id.*) However, Applicants can find no teaching or suggestion in Deng that such a gateway would be capable of obtaining data blocks on an individual block basis **as a function of an authorization of a user requesting said content and a set of access policies comprising a set of predefined usage policies associated with said content for said user.**

Further, it would not have been obvious how to adapt the firewall techniques of Deng in the proposed combination in order to obtain data blocks on an individual block basis as a function of an authorization of a user requesting said content and a set of access policies **while allowing a client module to enforce the set of usage rights within the operating system kernel without application rewrites.** As argued previously (See, e.g., Applicants’ correspondence dated February May 22, 2006, page 7, second paragraph), the rights management system of Rabne is compatible only with entire files. Similarly, the access management system of Chan operates by limiting the ability of processes lacking sufficient authorization to access entire objects (e.g. files). (See Chan, column 5, lines 8-16). Neither Rabne and Chan, nor Deng, provide any teaching or suggestion as to how Deng’s external, network-level data packet screening technique could be modified and applied at the kernel level of a client operating

system. To the contrary, the gateway of Deng requires packet screening to be performed on specialized hardware (e.g. ASIC 204, CPU 134, memory bus 129, memory elements 203 and 206, etc.) completely separate from any network user/client. (See, e.g. Deng, Fig. 2) Thus a person skilled in the art would have recognized that a device constructed in accordance with teachings of the proposed combination of Deng with Rabne and Chan, would result either in a system for performing rights managements on only **entire** files or objects which simply includes an ancillary gateway/firewall or, in the alternative, would be inoperative as containing incompatible elements. Thus, the proposed combination does not teach or suggest each and every element of independent claim 1.

Applicants also renew their argument, first presented in Applicants' correspondence of May 22, 2006 and renewed in Applicants' correspondence of February 7, 2006 that the combination of Rabne and Chan fails to teach or suggest a client module configured to interface to a client operating system kernel, said client module configured to enforce the set of usage rights within the operating system kernel **without application rewrites**, as required by independent claim 1. The addition of Cheng to the proposed combination does not cure this deficiency.

In light of the above, Applicants submit that claim 1 patentable distinguishes the proposed combination of Rabne with Chan and Deng. Claims 2-8 depend from claim 1 and are thus patentable for at least the same reasons. An identical argument applies to independent claim 9, which recasts claim 1 in method form, and to claim 10-16 which depend from claim 9. Accordingly, Applicants request reconsideration and withdrawal of these rejections

***Conclusion***

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Applicant believes that there is no longer any proper basis for the rejection of claims 1-16 under 35 USC § 103 and that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

---


The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37

C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 10/25/07

FOLEY & LARDNER LLP  
Customer Number: 48329  
Telephone: (617) 342-4049  
Facsimile: (617) 342-4001

By   
Mark G. Lappin  
Attorney for Applicant  
Registration No. 26,618